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GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C

PO BOX 7021

TROY, MI 48007-7021

EXAMINER

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

Continuing sheet PTOL-462 & PTOL-304

First, the examiner notes that the **Terminal Disclaimer** filed with the appellant's Appeal Brief on 1/29/2008 has been **entered & approved**, thus **removing** the obviousness double patenting (**ODP**) rejection set forth in section 4 of the action mailed 6/29/2007, hence the status of the claims will need to be updated to show the claim 9 is objected to in the Appeal Brief.

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Continuation from PTOL-462

Item #2).

As noted above, the status of dependent claim 9 needs to be updated.

Item #5).

Appellant omitted the optional references with respect to Lewis et al. in ground B. Also, the grounds of rejection on appeal should be updated to reflect the removal of the ODP rejection.

Item #6).

Each separate grounds of rejection, with its separate heading is required by the Board to have separate arguments thereunder, hence applicants need to separate their arguments in two those that are particular directed towards ground A & those that are particular directed to ground B, where the examiner notes use also going to have to separate her discussion in her Examiner's Answer.

The examiner would further recommend, that ground B, be separated into two separate grounds, in order to insure that the Board does not return the case and ask us to do this anyway (this may relate to

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item #5). Therefore, ground C, as presented in the Brief of 1/29/2008 is removed, & a revised Appeal Brief, with each ground **discussed in a separate section**, could reasonably set forth the grounds as, or in an analogous format:

A. Claims **1-6 & 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Skszek** ((6,472,029 B1) or (2002/0165634 A1)), or **Mazumber et al.** ((2002/0142107 or 2005/0121112)), in view of **Hirakawa** (4,505,485).

B. Claims **1-6 & 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Koch et al.**, (6,122,564), (optionally in view of **Jeanette et al.** (6,046,426)), and further in view of **Hirakawa** (4,505,485).

C. Claims **1-6 & 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lewis et al.** (5,837,960), (optionally in view of **Koch et al.** (6,122,564), or **Jeanette et al.** (6,046,426)), and further in view of **Hirakawa** (4,505,485).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne L. Padgett whose telephone number is (571) 272-1425. The examiner can normally be reached on M-F from about 8:30 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks, can be reached at (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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/Marianne L. Padgett/
Primary Examiner, Art Unit 1792

MLP/dictation software

4/1/2008